

RCRA COMPLIANCE HISTORY

Safety-Kleen Systems, Inc. UTD980957088

1066 South Pioneer Road

Salt Lake City, Utah 84104

ACTION: **WARNING LETTER** issued December 27, 2007
ISSUES: Driver's inspection log not signed by the branch manager or designee
Safety eyewash not operational
Subpart BB tags on equipment did not match permit drawing
RESOLUTION: No further response was required at the time the warning letter was issued as Safety-Kleen rendered the eyewash operational during the inspection and fixed the leak in the system the next day. Subpart BB tags were relocated to the permit-required locations during the inspection.

ACTION: **WARNING LETTER** issued December 8, 2006
ISSUES: Failure to provide to the Executive Secretary, a new certificate of liability insurance within 30 days prior to May 15th of each year
Policy number of certificate of liability insurance submitted by Safety-Kleen in September 2006, did not match the liability insurance policy number specified in the permit at the time of submittal
RESOLUTION: No further response was required at the time the warning letter was issued as Safety-Kleen had submitted a certificate of liability insurance and had modified the liability insurance policy number and annual date for submittal of the certificate of liability insurance in the permit.

ACTION: **NOTICE OF VIOLATION** issued November 29, 2005
ISSUES: Failure to visually inspect each container of waste, prior to acceptance, at the customer's location
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; \$9,730.00 penalty paid on August 11, 2006.

ACTION: **WARNING LETTER** issued March 9, 2004
ISSUES: Specific gravity testing at pickup of customers waste not being done at required frequency
Driver's inspection logs not being signed by branch manager or designee
Employees not current on annual refresher training and other required training
RESOLUTION: Correspondence received April 9, 2004, specified actions taken to resolve the issues.

ACTION: **WARNING LETTER** issued January 10, 2003
ISSUES: Latest closure cost estimate not available on-site at time of inspection
Safety-Kleen provided a closure cost estimate following the inspection, but the estimate had not been adjusted for inflation for calendar year 2001

Closure cost estimate provided following the inspection contained discrepancies between the actual inflationary adjustments made by Safety-Kleen and those calculated according to the method outlined in the regulations

Combining the hazardous waste closure cost estimate with the used oil facility reclamation cost estimate has created confusion when applying inflationary adjustments and in ensuring adequate financial assurance is provided for both programs

RESOLUTION: Safety-Kleen initially responded to the inspection, before the warning letter was issued, by submitting a closure cost estimate on October 16, 2002. Additional information was provided by Safety-Kleen on February 6, 2003, and on May 7, 2003, including recalculated estimates for hazardous waste unit closure and used oil reclamation that resolved the issues.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued August 4, 2000

ISSUES: Failure to reestablish other financial assurance for closure within the 60-day period after Frontier Insurance Company was no longer considered an acceptable surety

RESOLUTION: On August 25, 2000, Safety-Kleen entered into a Consent Agreement with EPA that allowed for an extended time frame for replacing the necessary financial assurance for closure. The State of Utah was a participating state in this Consent Agreement. The deadline for replacing financial assurance for closure was extended several times. Replacement financial assurance for closure (closure insurance) was obtained in July 2001 and in January 2002, the closure insurance policy was formally approved as acceptable financial assurance for closure.

ACTION: **WARNING LETTER** issued August 14, 1998

ISSUES: Holding transfer waste over ten days
Failure to include some waste on 1998 Biennial reports

RESOLUTION: Correspondence received September 30, 1998, specified actions taken to resolve concerns.

ACTION: **WARNING LETTER** issued February 9, 1998

ISSUES: Location of waste pick-ups not specific enough on checklists
Facility, not Safety-Kleen employee, collected sample of rejected waste
Service Representative filling in waste volume information without information on previous volume
Operating Record entry error
Failure to provide a time schedule for repairs to storage pad
Improper use of contractual agreement
Contractual agreement numbers used in facility operating record instead of manifest numbers

RESOLUTION: Correspondence received March 9, 1998, specified actions taken to resolve concerns.

ACTION: **WARNING LETTER** issued June 17, 1996

ISSUES: Failure to comply with all applicable National Fire Protection Association codes, specifically: a) failure to have fixed fire suppression system for the quantity (>120 gallons) of flammable hazardous waste stored in the warehouse; b) failure to provide fixed fire suppression system and adequate emergency exit for the permitted container

storage shelter; and c) failure to have fixed fire suppression system for the quantity (>120 gallons) of flammable hazardous waste stored in the permitted container storage area

Storage of an unauthorized wastestream in the permitted container storage area

Unsegregated storage of incompatible hazardous waste in permitted container storage area

RESOLUTION: Correspondence received July 12, 1996, specified actions taken to resolve concerns.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued on January 10, 1995

ISSUES: Failure to provide proper notice to the Board of planned physical alterations to a permitted container storage area's containment system, the adding of a second trench in 1991

Failure to apply for and receive a permit modification for the addition of a second containment trench

Failure to fully complete 83 inspection checklists that documented the observations of Safety-Kleen's drivers when waste was picked up from 357 customers

Failure to supply the batch load analysis to the Executive Secretary for the 4th quarter of 1990 until April 11, 1991

Accepting PCB waste into permitted tank storage during July of 1992

Failure to have a volumetric acceptance criteria in the Permit for the five gallon tubs of mineral spirits waste prior to their use

Failure to follow requirements for personnel training, specifically: a) failure to provide an employee with an annual update of his training within 12 months of previous training; and b) failure to follow the required training procedures for hydrometer testing by not utilizing p-xylene and tetrachloroethylene

Failure to keep the Contingency Plan of the Ironwood location updated to reflect current and changing conditions

Failure to provide an unmanifested waste report to the Executive Secretary within 15 working days

Failure to provide adequate secondary containment

Having waste in tank storage which are not permitted to be in the tank

Failure to provide the proper certification on tank assessment in both 1992 and 1994

Failure to completely fill out hazardous waste manifests with all applicable waste codes

Failure to comply with requirements for transporters of hazardous waste, specifically: a) failure to deliver hazardous waste listed on manifests to the facility designated on the manifest; and b) failure to contact generators for instructions before Safety-Kleen transferred waste to transporters not designated on the manifest by the generator

Item three of Stipulation and Consent Order No. 91060047 issued by the Board on August 20, 1992 by failing to keep all the records of the Ironwood facility at the Pioneer Road facility

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; \$49,000.00 penalty paid on July 25, 1996.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued on March 29, 1991

ISSUES: Failure to properly pack dry cleaning hazardous waste

Failure to modify the waste analysis plan when specific gravity sampling frequency changed and failure to identify an acceptable specific gravity range
 Failure to follow plan for selecting which generators will be subject to specific gravity testing
 Failure in conducting specific gravity training
 Failure in listing the correct alternate emergency coordinator in the contingency plan
 Discontinuing the use of their inspection checklist and not documenting the results of the hydrometer tests
 Failure to submit results of the batch load analysis for the second, third and fourth quarters of 1990
 Failure to repair an unacceptable hose fitting within 72 hours and not submitting to the Executive Secretary an acceptable solution within the required time period
 Failure to maintain all required information in the operating record, such as: physical form of the waste; proper unit measurement; proper storage code and the location of the waste being stored
 Failure to include the latest closure cost estimate in the facility operating record
 Failure to include all waste codes on numerous manifests
 Failure to notify for all treatment standards for waste shipped on a manifest
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; \$156,000.00 penalty paid on September 14, 1992.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued May 23, 1989
ISSUES: Failure to provide a telephone in the warehouse
 Failure to notify of a change in the emergency coordinator
 Failure to assign the branch manager as the emergency coordinator and not familiarizing the alternate with all aspects of the contingency plan including authorization to commit funds in order to carry out the contingency plan
 Failure to review the contingency plan with branch secretary and making available, records that document that all required training or job experience has been given or completed by facility personnel
 Failure to conduct daily inspections and document repair of checklist deficient items
 Failure to submit to the Executive Secretary a proposed time schedule for repair of deficient items within the required 72 hour time period
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; \$10,000.00 penalty paid on June 25, 1990.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued May 25, 1988
ISSUES: Failure to provide liability coverage for sudden accidental occurrence in the amount of at least \$1 million with an annual aggregate of \$2 million, exclusive of legal defense costs
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; penalty of \$10,000 paid on January 17, 1989. This resolved the January 25, 1988 **NOV/CO** as well.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued January 25, 1988

ISSUES:

- Exceeding the design capacity of the facility
- Failure to maintain a proper operating record
- Failure to obtain a representative sample of wastes prior to acceptance for storage
- Failure to maintain an operating record as required
- Failure to file an exception report when required
- Failure to report a hazardous waste spill
- Failure to have a written inspection schedule
- Failure to have date and times recorded on inspection log
- Failure to properly document remedial action as required
- Failure to maintain adequate aisle space for the unobstructed movement of emergency personnel and equipment
- Failure to have immediate access to an internal alarm or emergency communication device
- Failure to have a contingency plan that lists all current emergency coordinators
- Failure to designate an emergency coordinator
- Failure to complete all required portions of the hazardous waste manifests
- Failure to have an acceptable personnel training plan

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; penalty of \$10,000 paid on January 17, 1989. This resolved the May 25, 1988 **NOV/CO** as well.